

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 24 2006

at 10 o'clock and 20 min. AM
SUE BEITIA, CLERK

Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	WRIT OF CONTINUING
	)	GARNISHMENT;
v.	)	INSTRUCTIONS TO THE
	)	GARNISHEE; ANSWER OF
PAMATA TURNER,	)	THE GARNISHEE FORM
)	
)	
Defendant,)	
)	
)	
)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
)	

WRIT OF CONTINUING GARNISHMENT

GREETINGS TO: WAL-MART STORES, INC.
Attn: Payroll Department
P.O. Box 82
Bentonville, AR 72712-0082

An application for a Writ of Garnishment against the
property of Defendant-Judgment Debtor PAMATA TURNER, social

security number XXX-XX-7209, whose last known address is: 85-114 Ala Walua Street, Apt. F, Waianae, Hawaii 96792 (hereinafter "Debtor") has been filed with the Court. A judgment in a criminal case was entered against the Debtor on March 2, 2005 for a special assessment in the amount of \$900.00, and restitution in the amount of \$9,446.35. The amount due as of March 14, 2006 totals \$10,544.83 (\$792.05 special assessment, \$9,446.35 restitution, and \$306.43 interest).

You are required by law to answer in writing, under oath, and within ten (10) days after receipt of the writ, the following information: (1) Whether or not you have in your custody, control or possession, any property owned by the Debtor, including nonexempt, disposable earnings; (2) A description of such property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; and (4) The amount of the debt you anticipate owing to the Debtor in the future and whether the period for payment will be weekly or another specified period.

You are also required by law to withhold and retain any property in which the Debtor has a substantial nonexempt interest for which you are or may become indebted to the Debtor pending further Order of the Court.

Under the law, there is property which is exempt from the Writ of Garnishment. Property which is exempt and which is not subject to the Order is listed on the attached Claim for Exemption form.

You must file the original written Answer to the Writ within ten (10) days of your receipt of the writ with the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850. Additionally, you are required by law to serve a copy of the Answer to the Writ upon the Debtor at: 85-114 Ala Walua Street, Apt. F, Waianae, Hawaii 96792 and upon the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.


If you fail to answer the Writ or fail to withhold property in accordance with the Writ, the United States may petition the Court for an Order requiring you to appear before the Court to answer the Writ and to so withhold the property before the appearance date. If you fail to appear or do appear and fail to show good cause why you failed to comply with the Writ, the Court will enter a judgment against you for the value of the Debtor's nonexempt interest in such property (including nonexempt disposable earnings). The Court may also award a reasonable attorney's fee to the United States and against you if

the Writ is not answered within the time specified herein and if the United States files a petition requiring you to appear.

DATED: MAR 24 2006, at Honolulu, Hawaii.

SUE BEITIA
United States District Court
District of Hawaii

By


Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	INSTRUCTIONS TO THE
	)	GARNISHEE
v.)	
)	
PAMATA TURNER,)	
)	
Defendant,)	
)	
_____)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
_____)	

INSTRUCTIONS TO THE GARNISHEE

GREETINGS TO: WAL-MART STORES, INC.
Attn: Payroll Department
P.O. Box 82
Bentonville, AR 72712-0082

Attached is a Writ of Garnishment instructing you to provide the following information, in writing, under oath, within ten (10) days of receipt of the writ: (1) Whether or not you have in your custody, control, or possession any property owned by the Debtor, including nonexempt, disposable earnings; (2) A description of such property and the value of the property; (3) A description of any previous garnishment to which such property is subject and the extent to which any remaining property is not exempt; and (4) The amount of the debt you anticipate owing to

the Debtor in the future and whether the period for payment will be weekly or another specified period.

You are required by law to file the original written Answer to the Writ within ten (10) days of your receipt of the Writ with the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

You may complete the attached form entitled "ANSWER OF THE GARNISHEE FORM" and use it as your written Answer to the Writ.

You are also required by law to serve a copy of the Answer to the Writ upon the Debtor at: 85-114 Ala Walua Street, Apt. F, Waianae, Hawaii 96792 and upon the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

You are further required to withhold and retain any property in which the Debtor has a substantial nonexempt interest and for which you are or may become indebted to the Debtor pending further Order of the Court.

IF YOU FAIL TO ANSWER THE WRIT OR FAIL TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE UNITED STATES MAY PETITION THE COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT AND TO SO WITHHOLD PROPERTY BEFORE THE APPEARANCE DATE.

IF YOU FAIL TO APPEAR, OR YOU APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THE WRIT, THE COURT WILL ENTER JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS).

THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO APPEAR.

If you have any additional questions, please call Shari Hsieh, Financial Litigation Agent, at (808) 541-2850.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	Cr. No. 04-00107-001 SOM
)	
Plaintiff,	)	ANSWER OF THE
	)	GARNISHEE FORM
v.)	
)	
PAMATA TURNER,)	
)	
)	
Defendant,)	
)	
)	
WAL-MART STORES, INC.,)	
)	
)	
Garnishee.)	
_____)	

ANSWER OF THE GARNISHEE FORM

I, _____, state that:

I am the (State Official Title) _____ of
Garnishee, _____ a corporation, organized under the
laws of the State of _____.

On _____, 2006, Garnishee was served with
the Writ of Continuing Garnishment. For the pay period in effect
on the date of service (shown above):

1. The Garnishee has custody, control or possession
of earnings because the Debtor is or was in my/our
employ. ____ Yes. ____ No.
2. The Debtor's pay period is _____ weekly, _____ bi-
weekly _____ semi-monthly, _____ monthly. Enter
the date the present pay period began. ("Present"
means the pay period in which the order and notice
of garnishment were served) _____
Enter the date the above pay period ends. _____

3. The amount of the Debtor's net wages are:

(a) Gross Pay	\$ _____
(b) Federal income tax	\$ _____
(c) F.I.C.A. income tax	\$ _____
(d) State income tax	\$ _____
Total of tax withholdings	\$ _____
Net Wages	\$ _____
(a less total of b,c,d)	

4. Have there been previous garnishments in effect?.
 ___ Yes. ___ No. If the answer is "yes," describe below:

5. The Garnishee has custody, control or possession of the following property (non-earnings), in which the Debtor maintains an interest, as described below:

	<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

6. The Garnishee anticipates owing to the Debtor in the future, the following amounts:

	<u>Amount</u>	<u>Estimate Date or Period Due</u>
1.	\$ _____	_____
2.	\$ _____	_____
3.	\$ _____	_____
4.	\$ _____	_____

(Complete items 7-9 below if applicable)

7. The Garnishee makes the following claim of exemption on the part of the Debtor:

8. The Garnishee makes the following objections, defenses, or set-offs to the United States' right to apply the Garnishee's indebtedness to the Debtor upon the United States' claim:

9. The Garnishee was not and is not indebted or under liability to the Debtor, and the Garnishee did not or does not have in his/her possession or control any property belonging to the Debtor, or in which the Debtor has an interest; and is not liable as Garnishee in the action for the following reason(s):

The Garnishee delivered or mailed the original of the Answer by first class mail to the Clerk of the United States District Court, Room C-338, United States Courthouse, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

The Garnishee delivered or mailed a copy of the Answer by first class mail to the Debtor, PAMATA TURNER at 85-114 Ala Wai Street, Apt. F, Waianae, Hawaii 96792.

The Garnishee delivered or mailed a copy of the Answer by first class mail to the United States Attorney, Attn: EDRIC CHING, Assistant United States Attorney, Financial Litigation Unit, Room 6-100, PJKK Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

Garnishee